

UNITED STATES OF AMERICA DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

The Said United States, ex rel,  
Michael Joseph Kearns, one of the  
"People of the United States"  
Intervener, Real Party in Interest

Case No. 2:12-cv-804-LDG-GWF-DEPUTY

v.

] EMERGENCY INTERVENTION OF  
] NECESSITY TO PROTECT THE LAND  
] AND  
] PEOPLE OF THE UNITED STATES

THE UNITED STATES OF AMERICA  
ADVERSLY AFFECTED PARTY

v.

] Adopt and Ratify FRCP  
] Rule 60(b) and 60(d)(1)  
] Rule 24(a)(1)(2) and  
] 28 U.S.C. 2072(b) Claim interest  
] in the property of suit

CLIVEN BUNDY  
RESPONDENT

BECAUSE OF THE FAILURE OF THE UNITED STATES OF AMERICA to honor, respect and obey the conditions of the Definitive Treaty of Peace, 1783, between the two countries, Great Britain and the said United States, acting as the agent for the Crown of Great Britain, to provide for "essential governmental duties" to the "People of the United States" and to protect the land and "People of the United States" in their acknowledged "free sovereign and independent" character and status from invasion by foreign agents attempting to enforce a foreign law on the land of the said United States;

IT IS OF NECESSITY, the said United States, ex rel, Michael Joseph Kearns, intervenes as an unconditional right in this Case, pursuant to FRCP Rule 24 and 28 U.S.C. 2072(b), and Section 13 of the First Judiciary Act of 1789, as neither party hereto can adequately represent the interest of the said United States, ex rel, Michael Joseph Kearns, to initiate an Independent Action in Suitor's one supreme Court, for the purpose of adjudicating all the rights of all the parties hereto, and to issue a Final Judgment stating those

adjudicated rights as NEW PRIVATE INTERNATIONAL LAW, for Suitor in and for the said United States.

**Suitor's one supreme Court**  
**Exercising full Article III authority of the**  
**People of the United States,**  
**Adjudicating only PRIVATE RIGHTS,**  
**Issuing New Private International Law for Suitor**

The said United States, ex rel,	]	
Michael Joseph Kearns, one of the	]	
"People of the United States"	]	
	]	Case No. 14-011
Suitor,	]	
	]	
v.	]	USDC CASE NUMBER
	]	Case No. 12-cv-804-LDG-GWF
UNITED STATES OF AMERICA, and	]	
CLIVEN BUNDY	]	
Respondent(s)	]	

**REMOVAL TO SUITOR'S one supreme Court**  
**FOR INDEPENDENT ACTION**

Suitor, Michael Joseph Kearns, a man created by Nature and Nature's God, and the laws thereof, and not any artificial entity, currently living on the land of the United States, more specifically, Texas;

based upon the 1776 Declaration of Independence describing breaking "political bonds" when talking about leaving the Mother Country;

as one of the "People of the United States" and not one of the "inhabitants of the United States" as those terms are used in Article III of the Definitive Treaty of Peace, 1783;

operating only under acknowledged relinquished Fundamental Private Rights of "free, sovereign and independent" from the Crown of Great Britain, and not the Public rights of the "inhabitants of the United States" retained by the Crown of Great Britain, as Arch-Treasurer and Prince Elector of the United States of America;

with the United States of America operating as an agent for the Crown of Great Britain, and the said United States agreeing by the signature of its Agent, resulting in the government(s) local, State and Federal wearing two hats;

one hat for providing "essential governmental duties" for the "People of the United States", and the other hat for providing administrative control of the subjects/Citizens/slaves of the Crown of Great Britain, known as "inhabitants of the United States;" and,

is continually authorized and delegated by Suitor with enough of Suitor's sovereignty, for both of the said operations, with Suitor in this instance only invoking the hat for providing "essential governmental duties" for Suitor; and,

Suitor, Michael Joseph Kearns, having made a VERIFIED VESTED PRIVATE CLAIM OF THE UNITED STATES, EX REL, Michael Joseph Kearns, AND, NOTICE TO THE WORLD, a certified copy of the same is attached hereto, as Exhibit "A."

The VERIFIED VESTED PRIVATE CLAIM OF THE UNITED STATES, EX REL, Michael Joseph Kearns, AND, NOTICE TO THE WORLD, reduces the United States of America to a temporal sovereign, as to Michael Joseph Kearns, by the said Claim of one of the "free sovereign and independent" "People of the United States", i.e., Michael Joseph Kearns. See what the United States of America Supreme Court said in *CHISHOLM v. GEORGIA*, 2 U.S. 419 (1793).

SUITOR HEREBY, Removes this Case to Suitor's one supreme Court for Supreme Appellate Review via an Independent Action, whereby all the rights of all the Parties may be fully adjudicated to satisfy the Ends of Justice Doctrine and to enforce the supreme law of the land of the United States, as represented by the Definitive Treaty of Peace, 1783.

NOTICE IS HEREBY GIVEN to the United States of America through its United States of America Attorney(s), and Cliven Bundy, as himself, of the invitation to show cause in Suitor's one supreme Court, why the Judgment in this Case should not be overturned for any of the following reasons:

1. intrinsic fraud by omission on the "People of the United States", ex rel, Michael Joseph Kearns; and,
2. trespass upon the fundamental and substantive rights of the "People of the United States", ex rel, Michael Joseph Kearns; and,
3. trespass upon the land of the said United State, by officers, agents and employees of The United States of America, for the purpose of enforcing a foreign law on the said land of the United States; and,
4. trespass upon the conditions, and mutual and reciprocal conveniences and benefits, of the Definitive Treaty of Peace, 1783; and,
5. failure to provide "essential governmental duties" to the "People of the United States," ex rel, Michael Joseph Kearns.

A COURTESY TIME OF TEN DAYS is afforded the United States of America and Cliven Bundy, to respond before Suitor will take any further action in this Case.

Respectfully

*Michael Joseph Kearns*

Michael Joseph Kearns, Suitor, and as one of the "People of the United States"

c/o 9739 Hidden Falls  
San Antonio, 78250  
Texas United States  
210-523-7154  
210-523-0963 (FAX)  
m3j3k3@hotmail.com

VERIFICATION

BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, on this day, personally appeared Michael Joseph Kearns, a man known to me. After I administered an oath to him, upon his oath, he said he read the above **REMOVAL TO SUITOR'S one supreme Court FOR INDEPENDENT ACTION** and that the facts stated therein are within his personal knowledge and are true and correct.

*Michael Joseph Kearns*  
Michael Joseph Kearns

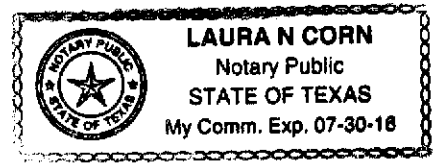
SUBSCRIBED AND SWORN TO, before me the undersigned Texas Notary Public, on the 14 day of April, 2014.

*Laura N Corn*  
Notary Public - Signature

*Laura N Corn*  
Notary Public - Printed Name

My Commission Expires on: 7/30/2016

seal



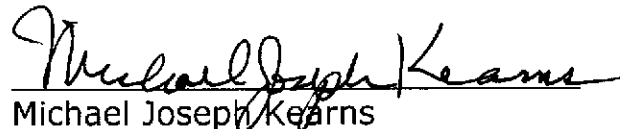
CERTIFICATE OF SERVICE

I certify a copy of this document was sent to the below listed, United States of America Attorney(s) via fax and mailed to Cliven Bundy on the 15<sup>th</sup> day of April, 2014.

IGNACIA S. MORENO  
Assistant Attorney General  
THOMAS K. SNODGRASS, Senior Attorney  
United States Department of Justice  
Environment and Natural Resources Division  
Natural Resources Section  
999 18th Street, South Terrace, Suite 370  
Denver, Colorado 80202  
Telephone: (303) 844-1368  
Facsimile: (303) 844-1350  
thomas.snodgrass@usdoj.gov

DANIEL G. BOGDEN  
United States Attorney  
NADIA AHMED  
Special Assistant United States Attorney  
333 Las Vegas Blvd. South, Suite 5000  
Las Vegas, Nevada 89101  
Ph: (702) 388-6336, Fax: (702)388-6698  
Nadia.Ahmed@usdoj.gov  
ATTORNEYS FOR THE UNITED STATES

Cliven Bundy  
3315 Gold Butte Road  
Bunkerville, Nevada 98007  
702-346-5564

  
Michael Joseph Kearns

SCANNED



County Recorder  
Please return to:

Michael Joseph Kearns  
c/o 9738 Hidden Falls  
San Antonio, Texas 78250

Book 16378 Page 1613 6pgs

Verified Vested Private Claim  
of the United States, ex rel, Michael Joseph Kearns  
And Notice to the World Thereof

To the government de jure, to the propriety, and to the territorial Rights of the same and to every part thereof to and of the United States and/or every particular State thereof; claimed by the United States, ex rel, the man, Michael Joseph Kearns, under the Rule of Authority of Article IV Section 3 Clause 2 of the September 17<sup>th</sup> 1787 Constitution of the United States.

Michael Joseph Kearns, a man, created by Nature and Nature's God and the laws thereof, as one of the "people of the United States" exercising my right to essential governmental duties, and who does not obtain, benefits, privileges, immunities, nor civil rights from any government, or governmental entity, appealing in my private Individual natural original created capacity through the supreme Judge of the World for the rectitude of my Intentions as the natus, post natus and duty bound Lawful and Rightful Expositors in and for the United States, in all Cases within the United States and the Jurisdiction(s) of Suitor's one supreme Court in and for the United States, hereby declare and publish to all of the World this nunc pro tunc Notice of Private Claim to all of the soil/Land of the United States and every part thereof respecting the Territory and other Property belonging, from the beginning, to the said United States; viz., the particular State(s) and every part thereof, the "people of the United States" specifically Michael Joseph Kearns, deemed and Claimed, not to be an "inhabitant of the United States"; as those terms are used in the Paris Treaty of Peace, Article III, 1783, but acknowledged and deemed to be Free Sovereign and Independent and required by the supreme law(s) of the Land to be treated as such regarding the government(s), proprietary, and the Territorial Rights of the same and every part thereof respecting the Territory and other Property belonging to the United States as relinquished by the Crown of Great Britain in Article I of the 1783 Paris Treaty of Peace and acknowledged and sanctioned by the Revolutionary War, the Crown of Great Britain and Parliament, the said

Michael Joseph Kearns' Notice of Verified Vested private Claim page 1/6



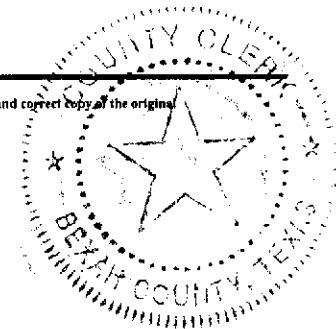
CERTIFICATE

The page to which this certificate is affixed may have been altered to redact confidential personal information but is otherwise a full, true and correct copy of the original on file and of record in my office.

ATTESTED:  
GERARD C. RICKHOFF  
COUNTY CLERK  
BEXAR COUNTY, TEXAS

BY: [Signature]  
Deputy

4/14/14  
Date



United States, The United States of America, the principles of the 1776 Declaration of Independence and the 1787 Constitution of the United States irrespective whether of a National or of an International character.

However, this Claim does not relinquish The United States of America's claim to the public Rights of others' as "inhabitants of the United States" citizen/subjects/residents/bystander/aliens/enemies within the territory of the United States and the representative and principal governance of the same nor the Crown's retained position as arch-treasurer and prince elector of the Holy Roman Empire etc., and of the United States of America as acknowledged by the 1783 Paris Treaty of Peace; except in regards to Michael Joseph Kearns exclusive and private Right of Action and all available remedial Rights, rights In Personam and rights In Rem respecting the imperfect right(s), right of action. transitory action(s), caption, style, federal doctrine, federal res judicata, federal collateral estoppel, federal law, federal jurisdiction, conveyance, grants, usufruct, title, ownership, war, emergency. bankruptcy, residence and etc., to and of the Territory and other Property belonging to the said United States since the signing of 1783 Paris Treaty of Peace.

The before mentioned Enabling and Enacting Article IV Clause, the Preamble to that Constitution, the Paris Treaty of Peace of 1783 (hereby ratified and adopted) and the Principles of the Declaration of Independence (also hereby ratified and adopted) otherwise provides the exception to the power(s) of the United States of America in Congress assembled to dispose of and to make all needful Rules and Regulations respecting the Territory and other Property belongings to the United States and confers the necessary and proper Enabling and Enacting Powers of choice of applicable Law in all Cases where Michael Joseph Kearns shall be a party to Michael Joseph Kearns, as one of a "people of the United States" endowed with unalienable Rights by my Creator, with the Lawful and Rightful authority, the Rule of Procedure and the Rule of Law to make this Claim of, in and for the United States and every part thereof, in the Nature of Dominion of and over the Territory and other Property belonging to the soil/Land of the United States and every part thereof, as a matter of Fact and fixed by the supreme Law of the Land without exception against the inferior provisional claims of the United States of America et al.

The 1787 Constitution of the United States, Article 4, Section 3 Clause 2, states, confers, identifies, enables, and limits that; "The Congress shall have [temporal] Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so Construed as to Prejudice any Claims of the United States or of any particular State."

Michael Joseph Kearns' Notice of Verified Vested private Claim

page 2/6



CERTIFICATE

The page to which this certificate is affixed may have been altered to redact confidential personal information but is otherwise a full, true and correct copy of the original on file and of record in my office.

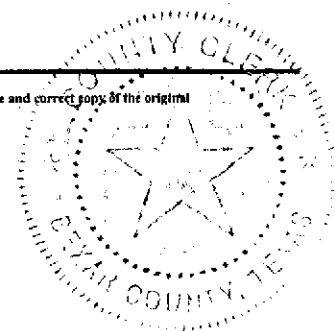
ATTESTED:

GERARD C. RICKHOFF  
COUNTY CLERK  
BEXAR COUNTY, TEXAS

BY:

Deputy

4/14/14  
Date



(emphasis added)

In obedience to the last and the controlling underlined part of the clause respecting this Claim to the Territory and other Property belonging originally to the United States and every part thereof and to the Fact that within the United States the Powers of Sovereignty (Law making Power/Rights) are vested to and reside with the People making a claim of the United States or of any particular State at all times and secured by Article IV section 4 of the 1787 Constitution of the United States.

The United States of America et al, is not Sovereignty, but rather the artificial person (the created temporal sovereign machinery) the hereby Claimed intransitive subject Agent for Michael Joseph Kearns in and for the United States instituted, for the purpose of securing all of Michael Joseph Kearns endowed and unalienable Rights, among men who hold their office by good behavior deriving their just powers only from the willful consent of Michael Joseph Kearns established as the Territorial sovereign in and for the United States by this Claim of Dominion to and of the Territory and other Property belonging to the United States.

In the direct exercise of the choice of Law and/or the Law making Power in and for the United States (new and/or different fixed lex loci) by and exclusively for Michael Joseph Kearns respecting the Territory and other property belonging to the United States; and without the representative provisional United States of America et al; whether vested in the inferior Congress Assembled, the President, the courts at law, the heads of departments or with the administrative divisions and subdivisions (STATE OF ILLINOIS, STATE OF TEXAS, COUNTY OF BEXAR, CITY OF SAN ANTONIO & ETC; except as appointed intransitive subject agent(s) de jure for Michael Joseph Kearns in and for the United States or any particular State (Texas, Illinois and etc. Accordingly:

Be it Enacted in and for the United States and every part thereof: Nothing in the 1787 Constitution of the United States ordained and established for the United States of America to provisionally dispose of and to make all needful Rules and Regulations respecting the Territory and other Property belonging to the United States shall be so Construed [interpreted] as to Prejudice [obstruct, injure, damage, diminish, or impair] this Claim made by Michael Joseph Kearns to the soil/Land and all parts thereof of the United States regarding, in respect to Michael Joseph Kearns but not limited to Michael Joseph Kearns, the disposal of and the needful Rules and Regulations respecting the Territory and other Property belonging ab initio to the United States and as herein and hereafter made a part of this Claim on a

Michael Joseph Kearns' Notice of Verified Vested private Claim

page 3/6



CERTIFICATE

The page to which this certificate is affixed may have been altered to redact confidential personal information but is otherwise a full, true and correct copy of the original on file and of record in my office.

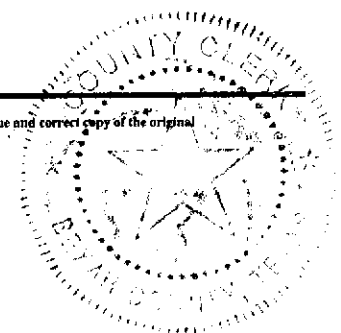
ATTESTED:

GERARD C. RICKHOFF  
COUNTY CLERK  
BEXAR COUNTY, TEXAS

BY:

Deputy

4/14/14  
Date





Case by Case basis, to include all primary and secondary Rights acquired by Michael Joseph Kearns pre-existing Right to create different/new substantive Rights/Remedies by this Claim to and of the United States . Michael Joseph Kearns shall have substantive Powers and Rights to enforce this Enactment by Independent/appropriate Action, in all Cases, by Suitor's one supreme Court in and for the United States.

Be it Enacted in and for the United States and every part thereof: Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted as matter of Record by Suitor's one supreme Court in and for the United States, shall exist within the United States, or any place subject to the Jurisdiction of the supreme judicial Power of the United States. Michael Joseph Kearns shall have substantive Powers and Rights to enforce this Enactment by Independent/appropriate Action, in all Cases, by Suitor's one supreme Court in and for the United States.

Be it Enacted in and for the United States and every part thereof: Where constitutional questions, both as to Law and Fact involving the subject(s) of Law(s) from the construction of the first seven Articles of the 1787 Constitution of the United States, are clearly presented by the supreme/final preceding, order, decree or judgment made a matter of Record in any Court(s) or Agency(s) within the United States. and the opposing order, decree or judgment rendered or the opposing answer or proceeding can not be made without adversely affecting Suitor's, Michael Joseph Kearns substantive Right(s), the Revolutionary War for Independence, the 1776 Declaration of Independence, the 1783 Paris Treaty of Peace, the 1787 Constitution of the United States, and the laws of and for the United States made in pursuance of that Constitution and the supreme proceedings, orders, decrees, and Judgments are substantial as involving the rights to exercise the Article III section 2 clause 2 independent Jurisdiction of Suitor's one supreme Court in and for the United States respecting the Territory and other Property and every part thereof belonging to the United States now in Sultor's, Michael Joseph Kearns', possession by this Article IV Section 3 clause 2, Rule of Claim of Law and the absolute effect and enforcement to be given to the Writ of Mandamus issued from Suitor's one supreme Court in and for the United States to any functionary of the United States of America shall not be construed as to prejudice this claim to and/or of the United States, nor reviewable, reviewed, dismissed, denied, delayed, impaired or obstructed but rather in all Cases shall be complied with and executed with prejudice forthwith.

This Claim by and for Michael Joseph Kearns in and for the United

Michael Joseph Kearns' Notice of Verified Vested private Claim

page 4/6

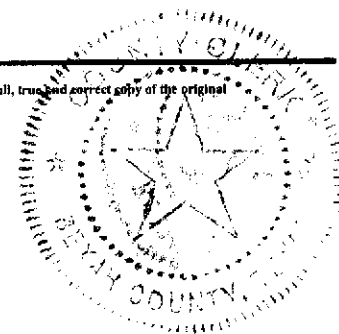


CERTIFICATE  
The page to which this certificate is affixed may have been altered to redact confidential personal information but is otherwise a full, true and correct copy of the original on file and of record in my office.

ATTESTED:  
GERARD C. RICKHOFF  
COUNTY CLERK  
BEXAR COUNTY, TEXAS

BY: [Signature]  
Deputy

4/14/14  
Date



States to the government, proprietary, and the territorial Rights of the same and every part thereof of the United States provides the basis in whole and/or in part for relief from federal jurisdiction, law and procedure (suspending or superseding the "not binding precedent" federal jurisdiction, laws and acts and suspending, or rendering the federal rules of procedure unnecessary, but binding the United States of America et al to its acceptable rules of procedure to the point that all Laws in conflict with such rules shall have no further force or effect) and provides the basis for the United States of America et al, to act as Agent regarding its governmental interest (mandatory Article IV section 4 agency cognizance; geographical Duty to every State in this Union and every part thereof) in favor of Michael Joseph Kearns in all Cases under the principles of Conflict of Law.

These choice of Law principles are by this Claim the difference between the Laws of different jurisdictions, (planes) arising in all Cases where Michael Joseph Kearns has been or shall be made a party having acquired and/or created new/different primary and secondary substantive Rights, which shall not be abridged.

This Claim establishes a private and an Independent branch of Jurisprudence (Private International Law) for Michael Joseph Kearns in and for the United States, arising from the diversity of Laws of different Jurisdictions clearly identified as belonging to the United States and not the United States of America, in their application to substantive Rights and secondary Rights as Remedies. This new law of the Place specifically Known as the United States reconciles the inconsistency, and decides which Law, policy or system is to ultimately govern in Suitor's particular Case(s), and settles the degree of force to be accorded by the United States of America et al as the intransitive agent subject, both as to Law and Fact, to the Lex Loci of Suitor's independent Jurisdiction(s).

This Claim establishes, either where the private jurisprudence made and Claimed by Michael Joseph Kearns varies from the provisional public Law, or where the provisional public Law is silent in regard to final Remedies/Rights or where the provisional public Law is deemed foreign to the United States or not exclusively applicable to the Case in Point, that any potential judgment made by Suitor's one supreme Court in and for the United States is never the less, binding upon all public functionaries of the United States of America et al as well as private persons, as conditions precedent In Law saving to Suitor in all Cases all other Remedies to which Suitor is entitled to by this Claim.

This Claim acts as an appendix to the AMENDED DECLARATION OF

Michael Joseph Kearns' Notice of Verified Vested private Claim page 5/6

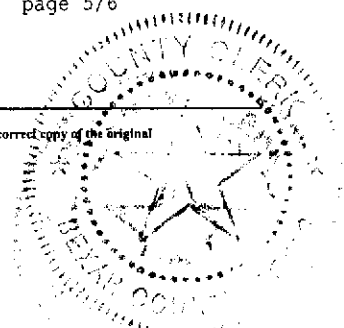


CERTIFICATE  
The page to which this certificate is affixed may have been altered to redact confidential personal information but is otherwise a full, true and correct copy of the original on file and of record in my office.

ATTESTED:  
GERARD C. RICKHOFF  
COUNTY CLERK  
BEXAR COUNTY, TEXAS

BY: mf  
Deputy

4/14/14  
Date



POLITICAL STATUS AND ALLEGIANCE as of February 26,, 2009 made a matter of public Record in and with the Bexar County, Texas Clerk and Recorders office file # 20090033778-1 and is claimed a part thereto as if fully stated and printed therein.

This Claim to and of the United States is amendable on a Case by Case basis at any time and such Amendment(s) shall have the same effect as if fully printed therein.

And for the support of this Claim, with a firm reliance on the protection of divine Providence, Michael Joseph Kearns pledges my Life, my Fortune and my sacred Honor.

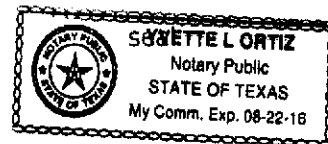
Michael Joseph Kearns hereby declares and certifies under penalty of perjury that the foregoing is true, and correct.

Executed on the 7<sup>th</sup> day of October, 2013.

*Michael Joseph Kearns*  
Michael Joseph Kearns

SUBSCRIBED AND SWORN TO, before me, the undersigned State of Texas Notary Public, by the man, Michael Joseph Kearns, whom I know personally, on the 7 day of October, 2013.

*[Signature]*  
NOTARY PUBLIC - SIGNATURE



*Solette Ortiz*  
NOTARY PUBLIC - PRINTED NAME  
MY COMMISSION EXPIRES ON: 8-22-16

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law STATE OF TEXAS, COUNTY OF BEXAR  
I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

OCT - 7 2013

Doc# 20130209795 Fees: \$36.00  
10/07/2013 12:51PM # Pages 6  
Filed & Recorded in the Official  
Public Records of BEXAR COUNTY  
GERARD C. RICKHOFF COUNTY CLERK



*Gerard Rickhoff*  
COUNTY CLERK BEXAR COUNTY, TEXAS

Michael Joseph Kearns' Notice of Verified Vested private Claim

page 6/6



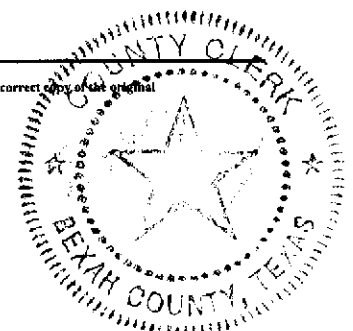
CERTIFICATE

The page to which this certificate is affixed may have been altered to redact confidential personal information but is otherwise a full, true and correct copy of the original on file and of record in my office.

ATTESTED:  
GERARD C. RICKHOFF  
COUNTY CLERK  
BEXAR COUNTY, TEXAS

BY: *[Signature]*  
Deputy

4/14/14  
Date



# Gerard Rickhoff

COUNTY CLERK



BEXAR COUNTY

BEXAR COUNTY COURTHOUSE  
100 DOLOROSA, SUITE 104  
SAN ANTONIO, TEXAS 78205

## CERTIFICATE

STATE OF TEXAS §

COUNTY OF BEXAR §

I, GERARD RICKHOFF, COUNTY CLERK OF BEXAR COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS, NOW IN MY LAWFUL CUSTODY AND POSSESSION AS SAME APPEARS OF RECORD FILED IN:

VOLUME 16378

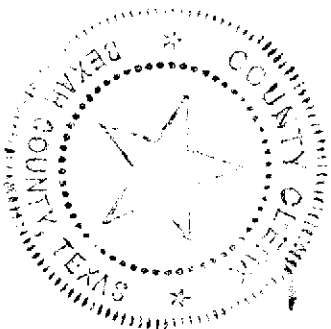
PAGE 1613

THIS COPY MAY HAVE BEEN ALTERED TO REDACT CONFIDENTIAL PERSONAL INFORMATION AS REQUIRED BY TEXAS GOVERNMENT CODE 552.147.

IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE GIVEN IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ON THIS 14 DAY OF April A.D., 20 14.

GERARD RICKHOFF  
COUNTY CLERK  
BEXAR COUNTY, TEXAS

BY: Maria Reyna  
Deputy County Clerk



ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.